

26969. Misbranding of witch hazel; adulteration and misbranding of rubbing alcohol compound. U. S. v. Fallis, Inc., and William S. Spero and Herman Arkus. Pleas of guilty. Fine, \$200. (F. & D. no. 87993. Sample nos. 44028-B, 44029-B, 44030-B, 44035-B, 46136-B, 46137-B, 50470-B.)

The bottle labels of the witch hazel bore false and fraudulent representations regarding its curative and therapeutic effects. The rubbing alcohol compound, represented on the label to consist essentially of ethyl alcohol and to be endorsed by the medical profession, contained isopropyl alcohol but no ethyl alcohol, and was not endorsed by the medical profession.

On November 6, 1936, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Fallis, Inc., and William S. Spero and Herman Arkus, officers of said corporation, New York, N. Y., charging shipment by said defendants in violation of the Food and Drugs Act, from the State of New York on or about October 26, 1935, into the State of Massachusetts of a quantity of witch hazel that was misbranded; and on or about October 28 and 29 and November 27, 1935, into the States of Massachusetts and California of quantities of an article labeled rubbing alcohol compound that was adulterated and misbranded.

The witch hazel was alleged to be misbranded in that statements regarding its curative and therapeutic effects, borne on the bottle labels, falsely and fraudulently represented that it would be effective as a relief and remedy for rheumatism and piles.

The rubbing alcohol compound was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold in that it was represented as rubbing alcohol compound that contained 70 percent by volume of ethyl alcohol; whereas in fact it was not rubbing alcohol compound that contained 70 percent by volume of ethyl alcohol, but contained approximately 2 percent by volume of isopropyl alcohol and did not contain any ethyl alcohol. Said article was alleged to be misbranded in that the statement "Rubbing Alcohol Compound Alcohol—70%" borne on the cartons, and the statement "Alcohol-Rub * * * Endorsed by the Medical Profession", borne on the bottle labels, were false and misleading in that they represented that it was rubbing alcohol compound containing 70 percent by volume of ethyl alcohol, that it was an alcohol rub, that is, a product containing 70 percent by volume of ethyl alcohol, and that it was endorsed by the medical profession; whereas in fact it was not rubbing alcohol compound containing 70 percent by volume of ethyl alcohol, it was not an alcohol rub, a product consisting essentially of ethyl alcohol, but was a product which contained about 2 percent of isopropyl alcohol and no ethyl alcohol, and it was not endorsed by the medical profession. Said article was alleged to be misbranded further in that it was a product which contained isopropyl alcohol and no alcohol, prepared in imitation of a product which should consist essentially of ethyl alcohol, and was offered for sale and sold under the name of another article, "Rubbing Alcohol Compound."

On December 28, 1936, pleas of guilty were entered by the defendants and the court imposed a fine of \$200 on the defendant corporation.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26970. Adulteration and misbranding of Neurosine. U. S. v. Dios Chemical Co. Plea of nolo contendere. Fine, \$500 and costs. (F. & D. no. 88043. Sample nos. 32437-B, 32448-B, 32462-B, 71601-B, 71602-B, 71603-B.)

The label of this product purported to state all of the active medicinal agents contained in the article, when it contained other active medicinal ingredients in addition to those represented. The article in certain shipments contained bromides of potassium, sodium, ammonium, and zinc in proportions less than those represented on the label.

On November 18, 1936, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Dios Chemical Co., St. Louis, Mo., charging shipment by said corporation in violation of the Food and Drugs Act, on or about November 15 and December 6, 1935, and January 2, 3, and 14, 1936, from the State of Missouri into the State of Tennessee of quantities of Neurosine which in the consignments of November 15 and December 6, 1935, was misbranded, and in the consignments of January 2, 3, and 14, 1936, was adulterated and misbranded.

The article in each of the six consignments was alleged to be misbranded in that the statement, "0.75 Gr. Per Oz. Each, Ext. Henbane and Fl. Ext. Bella-